

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

TIMOTHY POSTELL,	:	
	:	
Petitioner,	:	
	:	
v.	:	CASE NO.: 1:05-CV-96 (WLS)
	:	
CARL HUMPHREY, <i>Warden</i> ,	:	
	:	
Respondent.	:	
	_____:	

**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge, filed February 24, 2009. (Doc. 50). It is recommended that the above-captioned *habeas corpus* matter be allowed to proceed. (*Id.* at 5).

The Report and Recommendation provided the Parties with ten (10) days to file written objections to the recommendations therein. (*Id.*). The period for objections expired on Friday, March 13, 2009; no objections were filed by that date. (*See Docket*). On October 20, 2009 – more than seven (7) months after the deadline for objections – Petitioner filed a document that was categorized as an “Objection” on the Docket. (*See Docket at Doc. 51*). A review of said document, however, shows no objection to the facts or law in Judge Hodge’s Recommendation. (*See generally Doc. 51*). Indeed, it would be nonsensical for the document to contain any objection to Judge Hodge’s Recommendation, because the Recommendation is in Petitioner’s favor. (*See generally Doc. 50*). Nevertheless, to the extent that the document could be read as an Objection to Judge Hodge’s Recommendation, the Court finds that said Objection was untimely and that no showing of excusable neglect has been provided; the objections set forth in Plaintiff’s Objection (Doc. 51) are therefore **OVERRULED**.

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 50) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, the above-captioned *habeas corpus* matter is **ORDERED** to proceed.

**SO ORDERED**, this 5<sup>th</sup> day of April, 2010.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,  
UNITED STATES DISTRICT COURT**